

REPORT BY THE
AUDITOR GENERAL
OF CALIFORNIA

**RESULTS OF THE PLEBISCITE
OF MEMBERS OF THE STATE BAR
OF CALIFORNIA**



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Thomas W. Hayes
Auditor General

May 14, 1986

P-605

Honorable Art Agnos, Chairman
Members, Joint Legislative
Audit Committee
State Capitol, Room 3151
Sacramento, California 95814

Dear Mr. Chairman and Members:

The Office of the Auditor General presents its report concerning the results of the plebiscite of members of the State Bar of California.

Respectfully submitted,

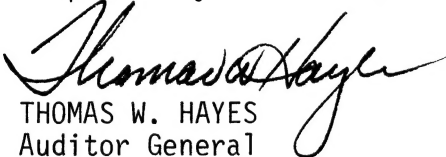

THOMAS W. HAYES
Auditor General

TABLE OF CONTENTS

	<u>Page</u>
BACKGROUND	1
RESULTS OF THE PLEBISCITE	3
APPENDIX A	21

BACKGROUND

Chapter Two, Statutes of 1986, directed the Auditor General to conduct a plebiscite of the members of the State Bar of California on the appropriate functions of the State Bar. To conduct the plebiscite, the Auditor General mailed questionnaires to 101,000 members of the State Bar, asking for their opinions on issues such as the appropriate role of the State Bar in disciplining attorneys and advocating legislation. In the nine-question survey, the Auditor General also asked State Bar members which activities of the State Bar should be supported by the membership fee, whether attorneys should be required to carry malpractice insurance, and whether the State Bar is the appropriate organization to investigate complaints against attorneys. As required by the statute, the Auditor General had the survey's questions approved by the chairs and the vice-chairs of both the Senate Judiciary Committee and the Assembly Judiciary Committee before it was mailed.

The State Bar is governed by a Board of Governors whose 22 members represent various geographical districts of the State. Six of the members are public members (nonattorneys) appointed by the Governor, the President pro Tempore of the Senate, and the Speaker of the Assembly. The State Bar's primary function is to regulate the legal profession in California. Under the jurisdiction of the State Supreme Court, the State Bar conducts the investigation and censure of attorneys found to have committed acts of professional misconduct. In

appropriate cases, the State Bar may recommend that the State Supreme Court suspend or disbar a member.

In addition, the State Bar represents the interests of the legal profession before the Legislature and the public. As California's professional association for attorneys, the State Bar also conducts an annual convention and publishes a monthly magazine. The State Bar also supervises a continuing professional education program operated by the University of California. In addition, the State Bar develops and administers the bar exam to qualified candidates.

In 1985, the State Bar had a budget of \$24.3 million, derived primarily from membership and examination fees. Appendix A lists the activities on which the State Bar spent its 1985 budget and shows the cost for each activity.

RESULTS OF THE PLEBISCITE

The Auditor General received responses from 44,988 members of the State Bar of California. In responding to the survey's first two questions, which are reprinted below, the attorneys indicated the number of years they have practiced law and the type of organization in which they currently practice.

1. How many years have you practiced law in California?
☐ Less than 3 years
☐ 3 - 10 years
☐ More than 10 years

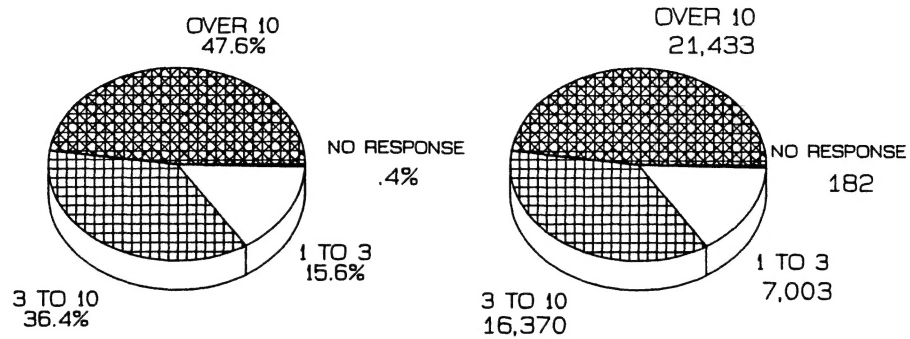
2. In which of the following types of organizations do you currently practice?
☐ Private practice
☐ Government agency
☐ For-Profit corporation
☐ Nonprofit corporation
☐ Other

We determined the number of attorneys in each of these groups who responded to the questionnaire and present the results in the following charts. Chart 1 shows the number of respondents by years in practice: less than 3 years, 3 to 10 years, or more than 10 years. Chart 2 shows the number of respondents by the type of organization in which they currently practice: private firm, government, for-profit

corporation, nonprofit corporation, or other. We included the 820 attorneys who indicated that they practice law in more than one type of organization in the "other" category.

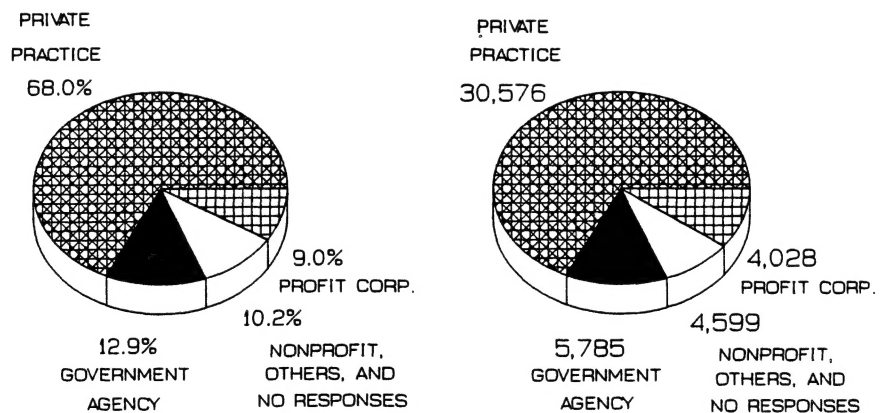
OFFICE OF THE AUDITOR GENERAL STATE BAR PLEBISCITE

CHART 1



RESPONDENTS BY YEARS IN PRACTICE
TOTAL RESPONDENTS 44,988

CHART 2



RESPONDENTS BY TYPE OF PRACTICE
TOTAL RESPONDENTS 44,988

In questions 3 through 9 of the survey, the Auditor General asked respondents to give their opinions on specific questions related to the State Bar. These questions are listed on the next page along with the responses of the 44,988 attorneys. The questions focus on which activities of the State Bar should be supported by the membership fee, whether attorneys should be required to carry malpractice insurance, and whether the State Bar is the appropriate organization to investigate complaints against attorneys. We have added the "No Response" category to the questionnaire to indicate the number of respondents who did not mark any of the answers provided.

3. Which statement more closely reflects your opinion?

<u>20,376</u>	<u>45.3%</u>	The State Bar is doing an adequate job of disciplining attorneys involved in misconduct.
<u>17,072</u>	<u>38.0</u>	The State Bar is not doing an adequate job of disciplining attorneys involved in misconduct.
<u>7,124</u>	<u>15.8</u>	No opinion
<u>416</u>	<u>.9</u>	No response
<u>44,988</u>	<u>100%</u>	Total

4. Which statement more closely reflects your opinion?

<u>35,957</u>	<u>79.5%</u>	The State Bar is the appropriate organization to receive and investigate complaints against attorneys.
<u>7,369</u>	<u>16.4</u>	A state agency independent of the State Bar is the appropriate organization to receive and investigate complaints against attorneys.
<u>1,351</u>	<u>3.0</u>	No opinion
<u>311</u>	<u>.7</u>	No response
<u>44,988</u>	<u>100%</u>	Total

5. Which statement more closely reflects your opinion?

<u>21,391</u>	<u>47.5%</u>	The State Bar's advocacy of legislation should be limited to supporting only proposals of the Bar Board of Governors involving technical code revision, court reform, and other issues directly related to the regulation of the legal profession.
<u>21,941</u>	<u>48.8</u>	The State Bar, by legislative advocacy, should be able to support or oppose legislation proposed by other interests and groups involving issues beyond technical code revision, court reform, and other issues directly related to the regulation of the legal profession.
<u>1,389</u>	<u>3.1</u>	No opinion
<u>267</u>	<u>.6</u>	No response
<u>44,988</u>	<u>100%</u>	Total

6. If the State Bar's advocacy of legislation were limited to proposals of the Bar Board of Governors involving technical code revision, court reform, and other issues directly related to the regulation of the legal profession, should such activity be paid for by mandatory or voluntary fees?

<u>27,281</u>	<u>60.7%</u>	Mandatory
<u>13,962</u>	<u>31.0</u>	Voluntary
<u>3,347</u>	<u>7.4</u>	No opinion
<u>398</u>	<u>.9</u>	No response
<u>44,988</u>	<u>100%</u>	Total

7. If the State Bar, by legislative advocacy, could support or oppose proposals of other groups and interests involving issues other than technical code revision, court reform, and other issues directly related to the regulation of the legal profession, should such activities be paid for by mandatory or voluntary fees?

<u>10,894</u>	<u>24.2%</u>	Mandatory
<u>31,127</u>	<u>69.2</u>	Voluntary
<u>2,384</u>	<u>5.3</u>	No opinion
<u>583</u>	<u>1.3</u>	No response
<u>44,988</u>	<u>100%</u>	Total

8. Which statement more closely reflects your opinion?

<u>24,170</u>	<u>53.7%</u>	Assuming the cost is reasonable, California attorneys in private practice should be required to carry malpractice insurance.
<u>17,473</u>	<u>38.9</u>	Irrespective of the cost, California attorneys in private practice should not be required to carry malpractice insurance.
<u>2,723</u>	<u>6.0</u>	No opinion
<u>622</u>	<u>1.4</u>	No response
<u>44,988</u>	<u>100%</u>	Total

9. Check the response which best illustrates your opinion on other activities of the State Bar that should be supported by the mandatory annual fee.

<u>Should Be Supported By Fee</u>	<u>Should Not Be Supported By Fee</u>	<u>No Opinion</u>	<u>No Response</u>	<u>Total</u>	
(54.0%) <u>24,316</u>	(42.0%) <u>18,883</u>	(3.0%) <u>1,326</u>	(1.0%) <u>463</u>	(100%) <u>44,988</u>	A. Administration of the Bar exam
(48.4%) <u>21,786</u>	(45.0%) <u>20,263</u>	(5.5%) <u>2,459</u>	(1.1%) <u>480</u>	(100%) <u>44,988</u>	B. Voluntary legal services programs
(91.4%) <u>41,096</u>	(6.5%) <u>2,932</u>	(1.4%) <u>648</u>	(.7%) <u>312</u>	(100%) <u>44,988</u>	C. Development of rules of professional conduct
(70.4%) <u>31,664</u>	(25.8%) <u>11,626</u>	(3.0%) <u>1,342</u>	(.8%) <u>356</u>	(100%) <u>44,988</u>	D. Providing information to the public about its legal rights, the law, the courts, and the legal profession
(68.4%) <u>30,792</u>	(28.9%) <u>12,997</u>	(1.9%) <u>860</u>	(.8%) <u>339</u>	(100%) <u>44,988</u>	E. Sponsoring continuing education programs
(43.7%) <u>19,638</u>	(41.4%) <u>18,642</u>	(13.8%) <u>6,230</u>	(1.1%) <u>478</u>	(100%) <u>44,988</u>	F. Supporting the activities of the conference of delegates

We also grouped the attorneys' responses to individual questions according to the number of years they have practiced law and the type of organization in which they currently practice. Tables 1 and 2 show the distribution of the responses according to these two factors.

TABLE 1
RESULTS BY YEARS IN PRACTICE

3. Which statement more closely reflects your opinion?

	<u>Less Than 3 Years</u>	<u>3-10 Years</u>	<u>More Than 10 Years</u>	<u>No Response</u>
The State Bar is doing an adequate job of disciplining attorneys involved in misconduct.	(40.1%) <u>2,808</u>	(44.6%) <u>7,298</u>	(47.6%) <u>10,194</u>	(41.8%) <u>76</u>
The State Bar is not doing an adequate job of disciplining attorneys involved in misconduct.	(34.9%) <u>2,443</u>	(37.5%) <u>6,132</u>	(39.5%) <u>8,463</u>	(18.7%) <u>34</u>
No opinion	(24.3%) <u>1,703</u>	(17.0%) <u>2,789</u>	(12.0%) <u>2,575</u>	(31.3%) <u>57</u>
No response	(.7%) <u>49</u>	(.9%) <u>151</u>	(.9%) <u>201</u>	(8.2%) <u>15</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>

4. Which statement more closely reflects your opinion?

	<u>Less Than 3 Years</u>	<u>3-10 Years</u>	<u>More Than 10 Years</u>	<u>No Response</u>
The State Bar is the appropriate organization to receive and investigate complaints against attorneys.	(78.1%) <u>5,471</u>	(79.9%) <u>13,086</u>	(80.6%) <u>17,270</u>	(71.4%) <u>130</u>
A state agency independent of the State Bar is the appropriate organization to receive and investigate complaints against attorneys.	(17.2%) <u>1,205</u>	(16.2%) <u>2,654</u>	(16.3%) <u>3,483</u>	(14.8%) <u>27</u>
No opinion	(4.2%) <u>290</u>	(3.1%) <u>505</u>	(2.5%) <u>542</u>	(7.7%) <u>14</u>
No response	(.5%) <u>37</u>	(.8%) <u>125</u>	(.6%) <u>138</u>	(6.1%) <u>11</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>

RESULTS BY YEARS IN PRACTICE

5. Which statement more closely reflects your opinion?

	<u>Less Than 3 Years</u>	<u>3-10 Years</u>	<u>More Than 10 Years</u>	<u>No Response</u>
The State Bar's advocacy of legislation should be limited to supporting only proposals of the Bar Board of Governors involving technical code revision, court reform, and other issues directly related to the regulation of the legal profession.	(35.3%) <u>2,473</u>	(43.9%) <u>7,192</u>	(54.3%) <u>11,641</u>	(46.6%) <u>85</u>
The State Bar, by legislative advocacy, should be able to support or oppose legislation proposed by other interests and groups involving issues beyond technical code revision, court reform, and other issues directly related to the regulation of the legal profession.	(58.8%) <u>4,115</u>	(52.1%) <u>8,523</u>	(43.0%) <u>9,224</u>	(43.4%) <u>79</u>
No opinion	(5.4%) <u>377</u>	(3.5%) <u>572</u>	(2.0%) <u>431</u>	(5.0%) <u>9</u>
No response	(.5%) <u>38</u>	(.5%) <u>83</u>	(.7%) <u>137</u>	(5.0%) <u>9</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>

6. If the State Bar's advocacy of legislation were limited to proposals of the Bar Board of Governors involving technical code revision, court reform, and other issues directly related to the regulation of the legal profession, should such activity be paid for by mandatory or voluntary fees?

	<u>Less Than 3 Years</u>	<u>3-10 Years</u>	<u>More Than 10 Years</u>	<u>No Response</u>
Mandatory	(55.3%) <u>3,874</u>	(58.2%) <u>9,523</u>	(64.4%) <u>13,791</u>	(51.1%) <u>93</u>
Voluntary	(33.1%) <u>2,316</u>	(32.6%) <u>5,336</u>	(29.2%) <u>6,254</u>	(30.8%) <u>56</u>
No opinion	(10.7%) <u>751</u>	(8.5%) <u>1,390</u>	(5.5%) <u>1,187</u>	(10.4%) <u>19</u>
No response	(.9%) <u>62</u>	(.7%) <u>121</u>	(.9%) <u>201</u>	(7.7%) <u>14</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>

RESULTS BY YEARS IN PRACTICE

7. If the State Bar, by legislative advocacy, could support or oppose proposals of other groups and interests involving issues other than technical code revision, court reform, and other issues directly related to the regulation of the legal profession, should such activities be paid for by mandatory or voluntary fees?

	<u>Less Than 3 Years</u>	<u>3-10 Years</u>	<u>More Than 10 Years</u>	<u>No Response</u>
Mandatory	(23.0%) <u>1,613</u>	(24.2%) <u>3,961</u>	(24.7%) <u>5,288</u>	(17.6%) <u>32</u>
Voluntary	(68.8%) <u>4,816</u>	(68.9%) <u>11,277</u>	(69.6%) <u>14,912</u>	(67.0%) <u>122</u>
No opinion	(7.0%) <u>491</u>	(5.7%) <u>933</u>	(4.4%) <u>946</u>	(7.7%) <u>14</u>
No response	(1.2%) <u>83</u>	(1.2%) <u>199</u>	(1.3%) <u>287</u>	(7.7%) <u>14</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>

8. Which statement more closely reflects your opinion?

	<u>Less Than 3 Years</u>	<u>3-10 Years</u>	<u>More Than 10 Years</u>	<u>No Response</u>
Assuming the cost is reasonable, California attorneys in private practice should be required to carry malpractice insurance.	(53.9%) <u>3,776</u>	(52.2%) <u>8,550</u>	(54.9%) <u>11,755</u>	(48.9%) <u>89</u>
Irrespective of the cost, California attorneys in private practice should not be required to carry malpractice insurance.	(37.0%) <u>2,591</u>	(40.1%) <u>6,553</u>	(38.6%) <u>8,271</u>	(31.9%) <u>58</u>
No opinion	(7.9%) <u>550</u>	(6.3%) <u>1,035</u>	(5.2%) <u>1,119</u>	(10.4%) <u>19</u>
No response	(1.2%) <u>86</u>	(1.4%) <u>232</u>	(1.3%) <u>288</u>	(8.8%) <u>16</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>

RESULTS BY YEARS IN PRACTICE

9. Check the response which best illustrates your opinion on other activities of the State Bar that should be supported by the mandatory annual fee.

	<u>Less Than 3 Years</u>	<u>3-10 Years</u>	<u>More Than 10 Years</u>	<u>No Response</u>
a. Administration of the Bar exam should be supported by fee.	(48.1%) <u>3,371</u>	(50.2%) <u>8,226</u>	(58.9%) <u>12,633</u>	(47.2%) <u>86</u>
Administration of the Bar exam should not be supported by fee.	(46.5%) <u>3,253</u>	(45.3%) <u>7,417</u>	(38.0%) <u>8,132</u>	(44.5%) <u>81</u>
No opinion	(4.6%) <u>324</u>	(3.4%) <u>552</u>	(2.1%) <u>445</u>	(2.8%) <u>5</u>
No response	(.8%) <u>55</u>	(1.1%) <u>175</u>	(1.0%) <u>223</u>	(5.5%) <u>10</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>
b. Voluntary legal services programs should be supported by fee.	(66.7%) <u>4,671</u>	(52.2%) <u>8,541</u>	(39.6%) <u>8,487</u>	(47.8%) <u>87</u>
Voluntary legal services programs should not be supported by fee.	(26.9%) <u>1,884</u>	(41.4%) <u>6,773</u>	(53.8%) <u>11,537</u>	(37.9%) <u>69</u>
No opinion	(5.6%) <u>393</u>	(5.5%) <u>902</u>	(5.4%) <u>1,150</u>	(7.7%) <u>14</u>
No response	(.8%) <u>55</u>	(.9%) <u>154</u>	(1.2%) <u>259</u>	(6.6%) <u>12</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>
c. Development of rules of professional conduct should be supported by fee.	(90.2%) <u>6,316</u>	(91.9%) <u>15,049</u>	(91.4%) <u>19,579</u>	(83.5%) <u>152</u>
Development of rules of professional conduct should not be supported by fee.	(6.7%) <u>469</u>	(6.0%) <u>984</u>	(6.8%) <u>1,462</u>	(9.3%) <u>17</u>
No opinion	(2.6%) <u>184</u>	(1.4%) <u>222</u>	(1.1%) <u>240</u>	(1.1%) <u>2</u>
No response	(.5%) <u>34</u>	(.7%) <u>115</u>	(.7%) <u>152</u>	(6.1%) <u>11</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>

RESULTS BY YEARS IN PRACTICE

	<u>Less Than 3 Years</u>	<u>3-10 Years</u>	<u>More Than 10 Years</u>	<u>No Response</u>
d. Providing information to the public about its legal rights, the law, the courts, and the legal profession should be supported by fee.	(77.7%) <u>5,440</u>	(72.8%) <u>11,916</u>	(66.2%) <u>14,193</u>	(63.2%) <u>115</u>
Providing information to the public about its legal rights, the law, the courts, and the legal profession should not be supported by fee.	(18.1%) <u>1,271</u>	(23.5%) <u>3,851</u>	(30.1%) <u>6,457</u>	(25.8%) <u>47</u>
No opinion	(3.6%) <u>249</u>	(2.9%) <u>482</u>	(2.8%) <u>603</u>	(4.4%) <u>8</u>
No response	(.6%) <u>43</u>	(.8%) <u>121</u>	(.9%) <u>180</u>	(6.6%) <u>12</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>
e. Sponsoring continuing education programs should be supported by fee.	(72.6%) <u>5,087</u>	(69.9%) <u>11,444</u>	(66.0%) <u>14,144</u>	(64.3%) <u>117</u>
Sponsoring continuing education programs should not be supported by fee.	(23.8%) <u>1,664</u>	(27.4%) <u>4,489</u>	(31.7%) <u>6,796</u>	(26.4%) <u>48</u>
No opinion	(3.0%) <u>213</u>	(1.9%) <u>313</u>	(1.5%) <u>327</u>	(3.8%) <u>7</u>
No response	(.6%) <u>39</u>	(.8%) <u>124</u>	(.8%) <u>166</u>	(5.5%) <u>10</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>
f. Supporting the activities of the conference of delegates should be supported by fee.	(40.7%) <u>2,846</u>	(41.2%) <u>6,743</u>	(46.6%) <u>9,983</u>	(36.3%) <u>66</u>
Supporting the activities of the conference of delegates should not be supported by fee.	(36.9%) <u>2,587</u>	(41.7%) <u>6,820</u>	(42.7%) <u>9,162</u>	(40.1%) <u>73</u>
No opinion	(21.5%) <u>1,506</u>	(16.1%) <u>2,634</u>	(9.6%) <u>2,060</u>	(16.5%) <u>30</u>
No response	(.9%) <u>64</u>	(1.0%) <u>173</u>	(1.1%) <u>228</u>	(7.1%) <u>13</u>
Total	(100%) <u>7,003</u>	(100%) <u>16,370</u>	(100%) <u>21,433</u>	(100%) <u>182</u>

TABLE 2
RESULTS BY TYPE OF PRACTICE

3. Which statement more closely reflects your opinion?

	<u>Private</u>	<u>Govt.</u>	<u>For Profit Corp.</u>	<u>Non-Profit Corp.</u>	<u>Other*</u>	<u>No Response</u>
The State Bar is doing an adequate job of disciplining attorneys involved in misconduct.	(50.4%) <u>15,417</u>	(27.5%) <u>1,588</u>	(42.6%) <u>1,717</u>	(38.8%) <u>346</u>	(35.6%) <u>1,217</u>	(31.3%) <u>91</u>
The State Bar is not doing an adequate job of disciplining attorneys involved in misconduct.	(33.6%) <u>10,280</u>	(57.0%) <u>3,300</u>	(37.4%) <u>1,508</u>	(41.4%) <u>369</u>	(44.2%) <u>1,509</u>	(36.4%) <u>106</u>
No opinion	(15.0%) <u>4,581</u>	(15.0%) <u>865</u>	(19.3%) <u>777</u>	(18.9%) <u>168</u>	(19.2%) <u>656</u>	(26.5%) <u>77</u>
No response	(1.0%) <u>298</u>	(.5%) <u>32</u>	(.7%) <u>26</u>	(.9%) <u>8</u>	(1.0%) <u>35</u>	(5.8%) <u>17</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>

4. Which statement more closely reflects your opinion?

	<u>Private</u>	<u>Govt.</u>	<u>For Profit Corp.</u>	<u>Non-Profit Corp.</u>	<u>Other</u>	<u>No Response</u>
The State Bar is the appropriate organization to receive and investigate complaints against attorneys.	(84.9%) <u>25,944</u>	(61.6%) <u>3,564</u>	(80.3%) <u>3,233</u>	(73.3%) <u>653</u>	(69.6%) <u>2,379</u>	(63.2%) <u>184</u>
A state agency independent of the State Bar is the appropriate organization to receive and investigate complaints against attorneys.	(11.9%) <u>3,645</u>	(33.3%) <u>1,927</u>	(16.5%) <u>665</u>	(21.3%) <u>190</u>	(25.5%) <u>870</u>	(24.8%) <u>72</u>
No opinion	(2.6%) <u>801</u>	(4.2%) <u>245</u>	(2.7%) <u>109</u>	(4.4%) <u>39</u>	(4.0%) <u>138</u>	(6.5%) <u>19</u>
No response	(.6%) <u>186</u>	(.9%) <u>49</u>	(.5%) <u>21</u>	(1.0%) <u>9</u>	(.9%) <u>30</u>	(5.5%) <u>16</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>

*Question 2 asked for the type of organization the attorneys currently practice. Eight hundred twenty respondents answered Question 2 with two or more responses; we included these 820 responses in this category.

RESULTS BY TYPE OF PRACTICE

5. Which statement more closely reflects your opinion?

	<u>Private</u>	<u>Govt.</u>	<u>For Profit Corp.</u>	<u>Non- Profit Corp.</u>	<u>Other</u>	<u>No Response</u>
The State Bar's advocacy of legislation should be limited to supporting only proposals of the Bar Board of Governors involving technical code revision, court reform, and other issues directly related to the regulation of the legal profession.	(44.8%) <u>13,694</u>	(59.0%) <u>3,412</u>	(51.0%) <u>2,053</u>	(34.9%) <u>311</u>	(51.4%) <u>1,757</u>	(56.3%) <u>164</u>
The State Bar, by legislative advocacy, should be able to support or oppose legislation proposed by other interests and groups involving issues beyond technical code revision, court reform, and other issues directly related to the regulation of the legal profession.	(51.6%) <u>15,772</u>	(37.2%) <u>2,154</u>	(45.7%) <u>1,841</u>	(62.1%) <u>553</u>	(44.6%) <u>1,523</u>	(33.7%) <u>98</u>
No opinion	(3.1%) <u>953</u>	(2.9%) <u>168</u>	(2.9%) <u>117</u>	(2.2%) <u>20</u>	(3.4%) <u>115</u>	(5.5%) <u>16</u>
No response	(.5%) <u>157</u>	(.9%) <u>51</u>	(.4%) <u>17</u>	(.8%) <u>7</u>	(.6%) <u>22</u>	(4.5%) <u>13</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>

6. If the State Bar's advocacy of legislation were limited to proposals of the Bar Board of Governors involving technical code revision, court reform, and other issues directly related to the regulation of the legal profession, should such activity be paid for by mandatory or voluntary fees?

	<u>Private</u>	<u>Govt.</u>	<u>For Profit Corp.</u>	<u>Non- Profit Corp.</u>	<u>Other</u>	<u>No Response</u>
Mandatory	(61.9%) <u>18,923</u>	(54.3%) <u>3,144</u>	(61.7%) <u>2,486</u>	(65.5%) <u>584</u>	(58.0%) <u>1,982</u>	(55.7%) <u>162</u>
Voluntary	(29.5%) <u>9,026</u>	(38.4%) <u>2,220</u>	(30.5%) <u>1,229</u>	(27.1%) <u>241</u>	(34.3%) <u>1,172</u>	(25.4%) <u>74</u>
No opinion	(7.7%) <u>2,364</u>	(6.5%) <u>373</u>	(7.1%) <u>286</u>	(6.5%) <u>58</u>	(6.8%) <u>233</u>	(11.3%) <u>33</u>
No response	(.9%) <u>263</u>	(.8%) <u>48</u>	(.7%) <u>27</u>	(.9%) <u>8</u>	(.9%) <u>30</u>	(7.6%) <u>22</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>

RESULTS BY TYPE OF PRACTICE

7. If the State Bar, by legislative advocacy, could support or oppose proposals of other groups and interests involving issues other than technical code revision, court reform, and other issues directly related to the regulation of the legal profession, should such activities be paid for by mandatory or voluntary fees?

	<u>Private</u>	<u>Govt.</u>	<u>For Profit Corp.</u>	<u>Non-Profit Corp.</u>	<u>Other</u>	<u>No Response</u>
Mandatory	(26.0%) <u>7,962</u>	(18.0%) <u>1,039</u>	(19.3%) <u>779</u>	(37.0%) <u>330</u>	(21.5%) <u>735</u>	(16.8%) <u>49</u>
Voluntary	(67.2%) <u>20,548</u>	(76.8%) <u>4,445</u>	(74.5%) <u>3,001</u>	(57.5%) <u>512</u>	(71.1%) <u>2,430</u>	(65.6%) <u>191</u>
No opinion	(5.5%) <u>1,683</u>	(4.2%) <u>246</u>	(4.7%) <u>188</u>	(4.4%) <u>39</u>	(5.8%) <u>197</u>	(10.7%) <u>31</u>
No response	(1.3%) <u>383</u>	(1.0%) <u>55</u>	(1.5%) <u>60</u>	(1.1%) <u>10</u>	(1.6%) <u>55</u>	(6.9%) <u>20</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>

8. Which statement more closely reflects your opinion?

	<u>Private</u>	<u>Govt.</u>	<u>For Profit Corp.</u>	<u>Non-Profit Corp.</u>	<u>Other</u>	<u>No Response</u>
Assuming the cost is reasonable, California attorneys in private practice should be required to carry malpractice insurance.	(54.9%) <u>16,805</u>	(54.7%) <u>3,166</u>	(50.0%) <u>2,015</u>	(52.6%) <u>469</u>	(46.6%) <u>1,592</u>	(42.2%) <u>123</u>
Irrespective of the cost, California attorneys in private practice should not be required to carry malpractice insurance.	(39.8%) <u>12,153</u>	(30.9%) <u>1,787</u>	(39.6%) <u>1,594</u>	(35.2%) <u>314</u>	(44.0%) <u>1,504</u>	(41.6%) <u>121</u>
No opinion	(4.0%) <u>1,233</u>	(13.0%) <u>753</u>	(9.0%) <u>363</u>	(9.9%) <u>88</u>	(7.5%) <u>257</u>	(10.0%) <u>29</u>
No response	(1.3%) <u>385</u>	(1.4%) <u>79</u>	(1.4%) <u>56</u>	(2.3%) <u>20</u>	(1.9%) <u>64</u>	(6.2%) <u>18</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>

RESULTS BY TYPE OF PRACTICE

9. Check the response which best illustrates your opinion on other activities of the State Bar that should be supported by the mandatory annual fee.

	<u>Private</u>	<u>Govt.</u>	<u>For Profit Corp.</u>	<u>Non- Profit Corp.</u>	<u>Other</u>	<u>No Response</u>
a. Administration of the Bar exam should be supported by fee.	(55.0%) <u>16,811</u>	(49.8%) <u>2,881</u>	(53.8%) <u>2,168</u>	(54.1%) <u>482</u>	(53.0%) <u>1,812</u>	(55.7%) <u>162</u>
Administration of the Bar exam should not be supported by fee.	(41.0%) <u>12,545</u>	(47.0%) <u>2,722</u>	(42.6%) <u>1,714</u>	(39.5%) <u>352</u>	(42.5%) <u>1,453</u>	(33.3%) <u>97</u>
No opinion	(3.0%) <u>919</u>	(2.3%) <u>133</u>	(2.6%) <u>104</u>	(4.3%) <u>38</u>	(3.3%) <u>113</u>	(6.5%) <u>19</u>
No response	(1.0%) <u>301</u>	(.9%) <u>49</u>	(1.0%) <u>42</u>	(2.1%) <u>19</u>	(1.2%) <u>39</u>	(4.5%) <u>13</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>
b. Voluntary legal services programs should be supported by fee.	(48.1%) <u>14,694</u>	(46.7%) <u>2,700</u>	(49.4%) <u>1,991</u>	(70.7%) <u>630</u>	(48.5%) <u>1,657</u>	(39.2%) <u>114</u>
Voluntary legal services programs should not be supported by fee.	(45.4%) <u>13,872</u>	(47.6%) <u>2,752</u>	(43.9%) <u>1,769</u>	(24.8%) <u>221</u>	(44.4%) <u>1,517</u>	(45.4%) <u>132</u>
No opinion	(5.5%) <u>1,689</u>	(5.0%) <u>292</u>	(5.5%) <u>219</u>	(3.9%) <u>35</u>	(5.7%) <u>196</u>	(9.6%) <u>28</u>
No response	(1.0%) <u>321</u>	(.7%) <u>41</u>	(1.2%) <u>49</u>	(.6%) <u>5</u>	(1.4%) <u>47</u>	(5.8%) <u>17</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>
c. Development of rules of professional conduct should be supported by fee.	(91.7%) <u>28,021</u>	(90.4%) <u>5,230</u>	(92.9%) <u>3,742</u>	(92.2%) <u>822</u>	(88.8%) <u>3,035</u>	(84.5%) <u>246</u>
Development of rules of professional conduct should not be supported by fee.	(6.3%) <u>1,926</u>	(7.9%) <u>458</u>	(4.9%) <u>198</u>	(5.5%) <u>49</u>	(8.2%) <u>281</u>	(6.9%) <u>20</u>
No opinion	(1.4%) <u>436</u>	(1.1%) <u>65</u>	(1.3%) <u>52</u>	(1.5%) <u>13</u>	(2.1%) <u>71</u>	(3.8%) <u>11</u>
No response	(.6%) <u>193</u>	(.6%) <u>32</u>	(.9%) <u>36</u>	(.8%) <u>7</u>	(.9%) <u>30</u>	(4.8%) <u>14</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>

RESULTS BY TYPE OF PRACTICE

	<u>Private</u>	<u>Govt.</u>	<u>For Profit Corp.</u>	<u>Non- Profit Corp.</u>	<u>Other</u>	<u>No Response</u>
d. Providing information to the public about its legal rights, the law, the courts, and the legal profession should be supported by fee.	(71.5%) <u>21,861</u>	(65.9%) <u>3,815</u>	(70.8%) <u>2,852</u>	(79.3%) <u>707</u>	(66.0%) <u>2,255</u>	(59.8%) <u>174</u>
Providing information to the public about its legal rights, the law, the courts, and the legal profession should not be supported by fee.	(24.9%) <u>7,599</u>	(30.9%) <u>1,789</u>	(25.0%) <u>1,007</u>	(17.2%) <u>153</u>	(29.1%) <u>996</u>	(28.2%) <u>82</u>
No opinion	(2.9%) <u>887</u>	(2.6%) <u>148</u>	(3.2%) <u>129</u>	(2.9%) <u>26</u>	(3.9%) <u>133</u>	(6.5%) <u>19</u>
No response	(.7%) <u>229</u>	(.6%) <u>33</u>	(1.0%) <u>40</u>	(.6%) <u>5</u>	(1.0%) <u>33</u>	(5.5%) <u>16</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>
e. Sponsoring continuing education programs should be supported by fee.	(70.0%) <u>21,405</u>	(62.7%) <u>3,626</u>	(69.0%) <u>2,779</u>	(69.8%) <u>622</u>	(63.7%) <u>2,179</u>	(62.2%) <u>181</u>
Sponsoring continuing education programs should not be supported by fee.	(27.5%) <u>8,410</u>	(34.8%) <u>2,014</u>	(27.8%) <u>1,122</u>	(27.8%) <u>248</u>	(32.9%) <u>1,123</u>	(27.4%) <u>80</u>
No opinion	(1.8%) <u>548</u>	(1.9%) <u>112</u>	(2.1%) <u>84</u>	(1.6%) <u>14</u>	(2.6%) <u>87</u>	(5.2%) <u>15</u>
No response	(.7%) <u>213</u>	(.6%) <u>33</u>	(1.1%) <u>43</u>	(.8%) <u>7</u>	(.8%) <u>28</u>	(5.2%) <u>15</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>
f. Supporting the activities of the conference of delegates should be supported by fee.	(45.9%) <u>14,037</u>	(34.1%) <u>1,970</u>	(41.7%) <u>1,681</u>	(48.5%) <u>432</u>	(41.1%) <u>1,405</u>	(38.8%) <u>113</u>
Supporting the activities of the conference of delegates should not be supported by fee.	(39.4%) <u>12,051</u>	(52.1%) <u>3,014</u>	(41.3%) <u>1,663</u>	(36.3%) <u>323</u>	(43.3%) <u>1,479</u>	(38.5%) <u>112</u>
No opinion	(13.7%) <u>4,177</u>	(13.0%) <u>754</u>	(15.7%) <u>633</u>	(14.1%) <u>126</u>	(14.3%) <u>490</u>	(17.2%) <u>50</u>
No response	(1.0%) <u>311</u>	(.8%) <u>47</u>	(1.3%) <u>51</u>	(1.1%) <u>10</u>	(1.3%) <u>43</u>	(5.5%) <u>16</u>
Total	(100%) <u>30,576</u>	(100%) <u>5,785</u>	(100%) <u>4,028</u>	(100%) <u>891</u>	(100%) <u>3,417</u>	(100%) <u>291</u>



Telephone:
(916) 445-0255

STATE OF CALIFORNIA
Office of the Auditor General
660 J STREET, SUITE 300
SACRAMENTO, CA 95814

Thomas W. Hayes
Auditor General

April 7, 1986

Dear State Bar Member:

The California Legislature has asked the Auditor General to conduct a plebiscite of the State Bar's members regarding the appropriate functions of the State Bar and its use of the members' annual fees.

The enclosed questionnaire is being sent to all members of the State Bar to solicit their opinions on the use of the members' annual fees to fund a variety of the State Bar's programs and activities. In 1985, the State Bar spent its budget on the following activities:

	<u>Estimates</u> <u>\$ (in thousands)</u>
<u>Professional standards and competence</u> - includes proposing rules of professional conduct to the Supreme Court, operating an ethics hotline, and co-sponsoring the State Bar's continuing education program.	\$ 1,496
<u>Discipline</u> - includes investigating, prosecuting, and adjudicating complaints against attorneys.	9,504
<u>Admissions</u> - includes administering the State Bar Examination and accrediting law schools.	5,000
<u>Advocacy of Legislation and judicial evaluation</u> - includes advocacy of Legislation, evaluating nominees for judicial appointment, and providing assistance to the law revision commission.	1,500

State Bar Member
April 7, 1986

	<u>Estimates</u> <u>\$ (in thousands)</u>
<u>Legal services delivery</u> - includes assisting local voluntary legal services programs and administering the Legal Services Trust Fund.	1,500
<u>Member services</u> - includes publishing a monthly magazine, sponsoring an annual meeting, conducting seminars in specialty areas of the law, and overseeing sections and committees.	4,400
<u>Public education</u> - includes providing information pamphlets to the public about its legal rights, the law, the courts, and the profession.	900
TOTAL	<u><u>\$24,300</u></u>

Each of the above activities is supported by both mandatory State Bar dues and other sources of income to the State Bar. The only activity not covered by both sources of income is "admissions," which is supported primarily by the fee that candidates pay to take the State Bar Examination. About \$15,580,000, or 64 percent, of the total spent on these activities is derived from the mandatory dues of the State Bar's members. These expenditure estimates, which include overhead, were provided to us by the State Bar and have not been audited.

Please take a few minutes to complete the questionnaire and return it in the enclosed, self-addressed envelope. For your opinion to be included in our plebiscite, we will need your response by April 30, 1986.

Sincerely,

THOMAS W. HAYES
Auditor General

Enclosure

cc: Members of the Legislature
Office of the Governor
Office of the Lieutenant Governor
State Controller
Legislative Analyst
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
Senate Majority/Minority Consultants
Capitol Press Corps